MEMO ENDO MORVILLO, ABRAMOWITZ, GRAND, IASON, AN

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MICHAEL C SILBERBERG

cc:

VIA FAX

Hon. Kenneth M. Karas United States District Judge United States District Court for the Southern District of New York 300 Quarropas Street, Room 533 White Plains, NY 10601

> Biofuels Operating Company, LLC v. Parsons & Whittemore Enterprises Corp., No. 07 Civ. 8712 (KMK)

Dear Judge Karas:

As Your Honor is aware, the parties to this action are also parties to a related action in the United States District Court for the Southern District of Alabama, where Parsons & Whittemore Enterprises Corporation ("P&W") made a preliminary injunction motion and Biofuels Operating Company, LLC ("Biofuels") made a transfer motion. Judge Granade held a seven-day hearing last month, but has not yet ruled on either motion. In light of these facts, P&W respectfully requests an additional 30-day extension of its time to answer or otherwise respond to the

Counsel for Biofuels has consented to this extension, and a proposed order is enclosed.

Respectfully yours,

Barbara Mare (ca) Barbara Moses

David Bowker, Esq. (via Fax)

complaint in the above-captioned action.

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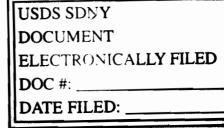
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December 17, 2007

JENNIFER L. ACHILLES DAVID C. AUSTIN LAWRENCE M BARNES-BENJAMIN & FISCHER ELIZABETH HAINES JAMES V. HAYESTITE RACHEL HEMANI TIMOTHY M HUDSON'S RENÉE L JARUSINSKY UASTUL BRIMBAL THOMAS M. REANE RACHEL M. KORENBLAT KRISTY WATEON MILKOY CLLEN M MUAPHY SARAH J NDRYH CLAUDIO R DCHOATT JANEY ROUNTREET ABHLEY C RUPP ANDREW J. SCHELL E SCOTT SCHIRICK MARYANNE SEXTON KATHRYN H SPOTA DAVID STANKIEWICZ JERROLD L. STEIGMAN JAMES R STOVALL AMY M TULLY

KEFIRA R. WILDERMAN ---

---ALHO ADHITED IN WASHINGTON O.C. -------



SØ ORDERED

Growled:

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

BIOFUELS OPERATING COMPANY, LLC,

Plaintiff,

v.

PARSONS & WHITTEMORE ENTERPRISES CORPORATION,

Defendant.

07 Civ. 8712 (KMK)

ORDER

Pursuant to the agreement reached among counsel on December 14, 2007, defendant Parsons & Whittemore Enterprises Corporation shall have an additional thirty (30) days, through and including January 23, 2007, to answer or otherwise respond to the Complaint in the above captioned action.

> Honorable Kenneth M. Karas UNITED STATES DISTRICT JUDGE